

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:11cv179**

**THOMAS J. BERITELLI, *et. al.*,** )  
 )  
 **Plaintiffs,** )  
 )  
 **vs.** )  
 )  
 **WELLS FARGO BANK, N.A.,** )  
 ***et al.*,** )  
 )  
 **Defendants.** )  
 \_\_\_\_\_ )

**ORDER**

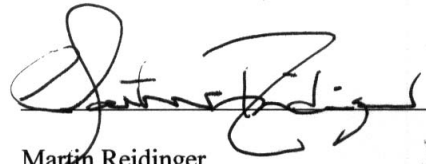
**THIS MATTER** is before the Court on the Motion to Dismiss without Prejudice of Plaintiffs Robert Scott, Connie Scott, Steven Moses, Boris Brand, Jeffrey Chaus, Jo Ann Chaus, Paul R. Boydell, Tiffany Tran Boydell, Susan E. Payne, Thomas R. Payne, Jack Herzberg, Kristine Herzberg, Alan M. Kessler, Sanda Keesler, Donna L. Panarello, Frederic B. Clark, IV, Edith Hansen, Julian C. Hutchins, Sr., Alana W. Hutchins, Trent A. Mackie, Randal Price, Meko Price, Pamela M. Ratcliffe, Srinivasan Chandramouli, Janaki Chandramouli, Richard W. Powell, Kathleen A. Powell, Robert Schunn, Judy Schunn, Chris Turner, Pamela Turner, Edward Varon, Anna Giabourani, Joseph Steen, Bridget Steen, William Wright, Peter Wasilewski, Peggy Wasilewski, Jason Wood, Casey Wood, Diane Carroll, David Fong,

Constance Fong, Michael Mellenthin, Anne Mellenthin, Barron S. Wall, Michael Whitehouse and Sylvia Whitehouse [Doc. 87]. The Defendants do not object.

The Court finds for the reasons stated that the motion should be granted.

**IT IS, THEREFORE, ORDERED** that the the Motion to Dismiss without Prejudice of Plaintiffs Robert Scott, Connie Scott, Steven Moses, Boris Brand, Jeffrey Chaus, Jo Ann Chaus, Paul R. Boydell, Tiffany Tran Boydell, Susan E. Payne, Thomas R. Payne, Jack Herzberg, Kristine Herzberg, Alan M. Kessler, Sanda Keesler, Donna L. Panarello, Frederic B. Clark, IV, Edith Hansen, Julian C. Hutchins, Sr., Alana W. Hutchins, Trent A. Mackie, Randal Price, Meko Price, Pamela M. Ratcliffe, Srinivasan Chandramouli, Janaki Chandramouli, Richard W. Powell, Kathleen A. Powell, Robert Schunn, Judy Schunn, Chris Turner, Pamela Turner, Edward Varon, Anna Giabourani, Joseph Steen, Bridget Steen, William Wright, Peter Wasilewski, Peggy Wasilewski, Jason Wood, Casey Wood, Diane Carroll, David Fong, Constance Fong, Michael Mellenthin, Anne Mellenthin, Barron S. Wall, Michael Whitehouse and Sylvia Whitehouse [Doc. 87] is hereby **GRANTED** and this action is hereby **DISMISSED** without prejudice as to the named Plaintiffs.

Signed: August 27, 2012

  
Martin Reidinger  
United States District Judge

